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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)
BVK 200009US

First Named Inventor: **SARANGAPANI SRINIVASAN**

International (PCT) Application No.: **PCT/US02/39680**

U.S. Application No.:
(if known)

Filed: **11 December 2002**

Title: **OXYGEN PRODUCING DEVICE FOR WOUNDCARE**

RECEIVED

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

6 JUL 2005

**Legal Staff
International Division**

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ **750.00** (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of _____ (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

07/12/2005 LANDERA 00000072 10520410

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

 _____ Signature	January 4, 2005 _____ Date
Richard J. Minnich _____ Typed or Printed Name	24,175 _____ Registration Number, if applicable
1100 Superior Avenue, 7th Floor _____ Address	216-861-5582 _____ Telephone Number
Cleveland, OH 44114 _____ Address	

Enclosures: ☐ Response

☒ Fee Payment

☐ Terminal Disclaimer

☒ Other (please identify): Transmittal Letter to the U.S. Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371; Statement in Support of Petition for Revival of an International Application; International Application; (WO/03049660); International Search Report; International Preliminary Examination Report; Information Disclosure Statement and related PTO-Form 1449.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S)	:	SARANGAPANI SRINIVASAN
TITLE	:	OXYGEN PRODUCING DEVICE FOR WOUNDCARE
INTERNATIONAL APPLICATION NO.	:	PCT/US02/39680
INTERNATIONAL FILING DATE	:	11 December 2002
APPLICATION NO.	:	To be assigned
FILED	:	Herewith
ATTORNEY DOCKET NO.	:	BVKZ 200009US Cleveland, OH 44114 January 3, 2005

**STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN
INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE
U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

ATTN: PCT LEGAL STAFF
MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to revive the above-identified International Application. Due to a docketing error, the priority information was not entered properly, and therefore, the undersigned counsel was not made aware of the **actual** due date to file a national phase application.. The error was noticed on December 29, 2004.

Applicant submits herewith the *Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371* and all accompanying documents relative to said International Application.

Should the Petitions Examiner have any questions and wish to discuss the above-mentioned Petition, a telephone call to the undersigned attorney would be welcomed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP




Richard J. Minnich
Reg. No. 24,175
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

January 04, 2005
Date

CERTIFICATE OF MAILING

I certify that this *Statement In Support Of Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 36 CFR 1.137(b)* is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: PCT LEGAL STAFF, MAIL STOP PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	
EV 494996340 US	
Date	
January <u>4</u> , 2005	

Signature

Printed Name
Caroline A. Schweter